

REMARKS

Drawings

The drawings are objected to because the lines, numbers and letters are not uniformly thick and well defined, clean durable and black (poor line quality). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will be not held in abeyance.

Applicant herewith submits a replacement drawing.

Claim Rejections – 35 USC § 103

Claims 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Conway (United States Patent No. 2,087,181).

Conway discloses a method of putting hair foil in a person's hair comprising removing a first sheet of hair foil from a pop-up dispenser, the sheet having a lead portion and a trailing portion with the lead portion extending through the dispensing orifice and the trailing portion overlapping the lead portion of the next hair foil sheet; and pulling the next hair foil sheet through the orifice of the dispensing orifice by withdrawing the first sheet; and applying the first sheet to a person's hair (see col. 1, line 36 through col. 2, line 14). Conway discloses the claimed invention except for the foil sheets having a width of 3.5 to 6 inches. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the foil sheets 3.5 to 6 inches, since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. In re Aller, 105 USPQ 233.

Conway relates to a dispensing container for housing interlock sheets in package form. The device is a portable device which may be clamped to a hair curler. Conway requires a spring to bear against a package of sheets. In fact, Leto describes the container of Conway as requiring spring means to force available sheets toward their respective discharge slots or openings. In Conway, the sheets must be loaded in the dispenser at the end opposite the discharge

slot. Since hair treating solutions used in modern treatments attach many required material. The clamps of Conway attach to a roller which is in contact with such solutions, and subject to wear and corrosion after repeated use.

Claims 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leto (United States Patent No. 4,185,753).

Since the claims has consisting of language, the spring goes beyond the language and there makes the claims not obvious.

Leto discloses a method of putting hair foil in a person's hair comprising removing a first sheet of hair foil from a pop-up dispenser, the sheet having a lead portion and a trailing portion with the lead portion extending through the dispensing orifice and the trailing portion overlapping the lead portion of the next hair foil sheet; and pulling the next hair foil sheet through the orifice of the dispensing orifice by withdrawing the first sheet; and applying the first sheet to a person's hair (see col. 4, lines 21-45 and figure 3). Leto discloses the claimed invention except for the foil sheets having a width of 3.5 to 6 inches. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the foil sheets 3.5 to 6 inches, since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. In re Aller, 105 USPQ 233.

Leto relates to end wraps. End wraps are made from lightweight paper and are used in a perming process by which you curl the hair. The claims of the

patent require a method of putting hair foil on a person's hair. Hair foil is used for a hair coloring procedure and not perming procedure, two distinctively different hair services. The hair foil of the claims is 3.5-6 inches in width and when dispensed is approximately 11" long. This is significantly longer than an end wrap paper, having an average size of 3-4 in. width and 3-4 inches long.

Further, the foil of the present application is significantly heavier than the paper described in Leto. For example, it is realistic to place a small lightweight box of end wraps on your arm utilizing the device taught by Leto. A box of end wraps weighs only a few ounces. The same box of foil weighs approximately 1.5 pounds. It would not be feasible for one skilled in the art of hair coloring to wear such a heavy box of foil on their wrists/arms while performing a hair color service.

A ready to use piece of foil that is approximately 5" wide by 11" long is presently being sold in a box containing 500 sheets. Such a box has overall dimensions of approximately 5.5" wide, 5.75" long, and 4" tall. It is impractical to place a box of this size and this weight on the wrist of one skilled in the art of hair coloring without seriously compromising the final result or without risking injury to the colorist or their client.

Leto relates to a device for dispensing flexible sheets of absorbent paper or other fibrous material, which are end wraps. This is very different from the foil of the present invention.

Applicant believes that the application is now in condition for allowance.

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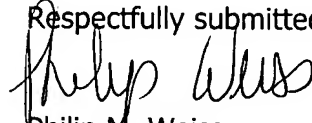
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October 11, 2007

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Respectfully submitted,



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